

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

MONTY C. PEPPER,)	
)	
Plaintiff,)	
)	
v.)	C.A. No. 05-084-JJF
)	
Warden THOMAS CARROLL, C/O)	
BAMBI THOMAS, C/O JAMES)	
GARDELS, C/O THOMAS SEACORD)	
)	
Defendants.)	

STATE DEFENDANTS' MOTION FOR ENLARGEMENT OF TIME

COME NOW State Defendants, by and through undersigned counsel, and respectfully moves this Honorable Court to enter an Order granting an enlargement of thirty days within which to file a response to Plaintiff's Complaint. In support of this motion, State Defendants offer the following:

1. On February 15, 2005, Plaintiff filed this Complaint. (D.I. 2).
2. Between October 18, 2005 and October 21, 2005, Defendants signed and returned Waivers of Service with an answer due on December 19, 2005. (D. I. 21, 22, 23).
3. Defendants will respond with a Motion to Dismiss.
4. Defense counsel anticipated being able to file a Motion to Dismiss with an accompanying Memorandum of Points and Authorities by December 19, 2005. Plaintiff's Complaint lists a very wide range of claims and grievances. Sorting through them and investigating the many claims is taking more than the usual amount of time. In addition, the departure of a deputy from the Correction Unit left the unit short staffed. This loss results in an increased caseload with its accompanying obligations and severe time constraints for other

personnel in the unit.

4. There is no trial date scheduled in this case.

WHEREFORE, for the reasons stated herein, State Defendant respectfully requests that the Court grant their Motion for Enlargement of Time and enter an order in the form attached hereto, with the appropriate dates provided at the Court's discretion.

**STATE OF DELAWARE
DEPARTMENT OF JUSTICE**

/s/ Lisa Barchi
Deputy Attorney General
820 N. French Street, 6th floor
Wilmington, DE 19801
(302) 577-8400
lisa.barchi@state.de.us

Date: December 15, 2005

Attorney for State Defendants

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)	
Defendants.)	

ORDER

This _____ day of _____, 2005,

WHEREAS, State Defendants having requested an enlargement of time of thirty days in which to file an answer; and

WHEREAS, there being good cause shown for the granting of such motion;

IT IS HEREBY ORDERED, that State Defendant's Motion for Enlargement of Time be granted and said Defendant shall file a reply brief on or before _____.

Joseph J. Farnan
United States District Court Judge

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16.5 CERTIFICATE OF COUNSEL

In compliance with Local Rule of Civil Procedure 16.5, counsel for the Defendants making the request for enlargement of time to file a reply brief files this Certificate and states:

I certify that the State Defendants have been provided with copies of the Motion for Enlargement of Time and that service has been sent by regular mail.

STATE OF DELAWARE
DEPARTMENT OF JUSTICE
/s/ Lisa Barchi
Deputy Attorney General
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Wilmington, DE 19801
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Defendants.)	

7.1.1 CERTIFICATE OF COUNSEL

Undersigned counsel hereby certifies, pursuant to Local Rule 7.1.1, that:

1. The plaintiff is an inmate incarcerated in the Delaware Correctional system, at the Delaware Correctional Center, Smyrna, Delaware.
2. Since the plaintiff is not able to be reached by telephone, counsel for Defendants has spent no time in attempting to reach an agreement on the subject of the motion for enlargement of time.
3. She assumes that the motion is opposed.

**STATE OF DELAWARE
DEPARTMENT OF JUSTICE**

/s/ Lisa Barchi
Deputy Attorney General
820 N. French Street, 6th floor
Wilmington, DE 19801
(302) 577-8400
lisa.barchi@state.de.us

Date: December 15, 2005

Attorney for State Defendant

CERTIFICATE OF MAILING AND/OR DELIVERY

I hereby certify that on December 7, 2005, I electronically filed *State Defendant's Motion for Enlargement of Time* with the Clerk of Court using CM/ECF. I have mailed by United States Postal Service, the document to the following non-registered participant:

Donald Jordan
SBI # 095723
Sussex Correctional Institution
P.O. Box 500
Georgetown, DE 19947

/s/ Lisa Barchi
Deputy Attorney General
820 N. French Street, 6th floor
Wilmington, DE 19801
(302) 577-8400
lisa.barchi@state.de.us

Attorney for State Defendant